

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**BENJAMIN JOHN BIESE,**

Petitioner,

v.

**Case No. 15-CV-895**

**BRIAN FOSTER,**

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION**

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Benjamin John Biese, a prisoner incarcerated at Green Bay Correctional Institution, has two federal habeas corpus actions pending before this Court: Case No. 15-CV-822 and Case No. 15-CV-895. On October 14, 2015, Mr. Biese filed a letter requesting an order authorizing use of his release account funds for legal materials (e.g., paper and pens). Mr. Biese listed both cases in the caption of his letter. The Court granted Mr. Biese's request in Case No. 15-CV-822 and denied as moot his request in this action—i.e., Case No. 15-CV-895. The Court reasoned that Mr. Biese did not reference this action in his legal loan application and that granting Mr. Biese's request in the first case would provide him with the supplies necessary to pursue both actions.

On November 4, 2015, Mr. Biese filed a motion requesting the Court to reconsider its order denying as moot his request in this action. (ECF No. 20.) Mr. Biese presents three reasons that purportedly justify reconsideration: (1) according

to the policy of the Wisconsin Department of Corrections, each case must be approved for use of legal loan supplies; (2) granting use of release account funds in one case does not “blanket” all cases; and (3) because the order in Case No. 15-CV-895 does not “mirror” the order in Case No. 15-CV-822, he is not able to use the legal loan in this action.

The reasons provided in Mr. Biese’s motion for reconsideration do not satisfy any of the enumerated grounds for relief from a court order. *See Fed. R. Civ. P. 60(b)*. For one, Mr. Biese misunderstands the nature of the Court’s previous orders. Mr. Biese did not request the Court to authorize a legal loan payment from his release account. Rather, Mr. Biese requested—and the Court granted, with respect to Case No. 15-CV-822—“an order allowing use of release account funds to purchase supplies.” (ECF No. 15.) In other words, the Court issued an order permitting Mr. Biese to use up to \$50.00 from his release account to pay for legal materials. Thus, DOC policy concerning legal loans is not relevant to Mr. Biese’s request. Furthermore, as stated previously, the Court fulfilled Mr. Biese’s need for funds to pay for writing materials by granting his request in Case No. 15-CV-822. Mr. Biese has not suggested that the \$50.00 authorized by this Court is insufficient to purchase enough materials so that he can pursue both of his habeas actions. As a prisoner with limited funds, Mr. Biese is responsible for managing his resources judiciously. Accordingly, for all the foregoing reasons, Mr. Biese’s motion for reconsideration will be denied.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Mr. Biese's motion for reconsideration, (ECF No. 20), is **DENIED**.

Dated at Milwaukee, Wisconsin, this 9th day of November, 2015.

**BY THE COURT:**

*s/ David E. Jones* \_\_\_\_\_  
DAVID E. JONES  
United States Magistrate Judge